

PBPP-361 (9/90)

PENNSYLVANIA BOARD OF PROBATION AND PAROLE

CLIENT NAME ROBERT DA FOLY PAROLE NUMBER 1226-V
 DATE OF INTERVIEW 6/19/97 INSTITUTION Stateville/AK-10

PAROLE DECISION MAKING GUIDELINES**I PAROLE PROGNOSIS ASSESSMENT***Reparole Review*

INSTRUCTIONS: Information on age-at-minimum-sentence, prior convictions, PPA offense code and prior probation or parole revocations should be provided in column 1. The appropriate risk classification score in column 2 should be placed in column 3 and subsequently added together in the total PPA score box. Based upon the total score number, the client may then be classified into a risk category according to the range of scores shown at the bottom of the instrument. Clients with multiple offenses should have each offense ranked in ascending score order according to the offense ranking at the bottom of the page. This process results in a risk assessment which is sensitive to potential future crime. Column 4 may be used to reassess a case if the interview suggests that the assessment information was incorrect.

COLUMN 1 Variable	COLUMN 2 Score Allocation for Risk Assessment	COLUMN 3 Classification Score	COLUMN 4 Reassessment
Age at Minimum: <u>30</u> yr. Minimum Sentence Date <u>9/28/92</u>	0 if 40 years or older 21 if 26-39 years 38 if 25 years or younger	<u>21</u>	
Prior Convictions: Number: <u>1</u>	0 if no prior convictions 9 if 1 or 2 convictions 26 if 3 or more convictions	<u>9</u>	
PPA Offense (Ranked According to Index) 1. <u>Robbery w/ Acc.</u> 2. <u>Aggravated Assault</u> 3. <u>Sex Offense</u> 4. _____ 5. _____	0 if not elsewhere classified 20 if theft, fraud, burglary or robbery	<u>20 (20)</u>	
Probation Revocations <u>0</u> Parole Revocations <u>1</u> Total: <u>1</u>	0 if none 16 if 1 or more	<u>16 (16)</u>	
TOTAL P.P.A. SCORE		<u>57</u>	

Parole Prognosis Assessment Score Category CHECK ONE: 71-100 High Risk ☐ 45-70 Medium Risk ☒ 0-44 Low Risk ☐

Instant Offense in descending recidivism rank order: 1) Theft/Fraud, 2) Burglary, 3) Robbery, 4) Aggravated Assault, 5) Drug Law Violation, 6) Arson & Miscellaneous, 7) Simple Assault & Kidnapping; 8) Sex Offenses, 9) Manslaughter, 10) Murder.

II POTENTIAL ASSAULTIVENESS/DANGEROUSNESS SCREEN

Assaultiveness is a course of conduct that presents, or is calculated to present, a danger or perceived danger to any person. An assaultive instant offense is defined as any single conviction offense for the current sentence of the following type: murder, manslaughter, rape, and other assaultive sex offenses, robbery, kidnapping, aggravated or simple assault, arson against persons, weapon law violations, or homicide by vehicle.

Official versions or facts of crime are required for all offenses in the definition above prior to a final Board action.

- Does the client have an assaultive instant offense based upon the definition above, or based upon the official version of the offense in the case of a plea bargain? ☒ YES ☐ NO
If the answer to the above question is "yes", mark a score of (1) on p. 2, III(7), and answer the following question.
If the answer to the above question is "no", stop here.
- Does the client have a mental health problem which requires treatment in the form of either individual or group therapy/counseling and/or psychotropic medication? (Rape and all other assaultive sex offenses require a "yes" answer). ☒ YES ☐ NO
If the answer to the above question is "yes", mark the client as having a very high assault potential with a score of (3) on p. 2, III(8) and stop here.
If the answer to #2 is "no", answer the following question:
- Did the client have any institutional problems/misconducts which were assaultive in nature within the last 12 months or the last one-half of the minimum sentence, whichever is longer? ☐ YES ☐ NO
If the answer to the above question is "yes", mark the client as having a high assault potential with a score of (2) on p. 2, III(9).

PETITIONER'S
EXHIBIT

E

PETITIONER'S EXHIBIT AAA

III PAROLE CONSIDERATION FACTORS

Each unfavorable factor listed below is a possible reason for refusing parole as a matter of policy. Select the appropriate column from the PPA on p. 1. If the response to a specific unfavorable factor is in the affirmative, the appropriate score of 2 or 1 must be entered. If the response is in the negative, a 0 goes in the blank space provided. Enter the total score of unfavorable factors at the bottom of the appropriate column.

REASONS FOR PAROLE REFUSAL		SCORE	PAROLE PROGNOSIS ASSESSMENT		
			High Risk	Medium Risk	Low Risk
Unfavorable Factors from Institutional Performance:					
1) Three or more Class II misconducts, or two Class II and one Class I misconducts, during the last twelve (12) months or the last one-half of the minimum sentence, whichever is longer.	1	_____	0	_____	_____
2) Two or more Class I misconducts during the last twelve (12) months, or the last one-half of the minimum sentence, whichever is longer.	1	_____	0	_____	_____
3) Open charges* for new crimes, or new convictions, while serving this prison sentence.	2	_____	0	_____	_____
4) Removed from CSC, work release or prerelease for cause. *(prima facie case was established.)	2	_____	2	_____	_____
Unfavorable Factors from Prior Record:					
5) Substance Abuse	2	_____	0	_____	0
6) Habitual Offender	1	_____	0	_____	0
Unfavorable Factors from Instant Offense:					
7) Assaultive Instant Offense (from page 1, II (i))	1	_____	1	_____	1
8) Very high assaultive behavior potential (from page 1, II (2))	3	_____	0	_____	_____
9) High assaultive behavior potential (from page 1, II (3))	2	_____	0	_____	_____
10) Victim Injury	1	_____	0	_____	_____
11) Client had weapon in the commission of offense. <input checked="" type="checkbox"/> Firearm <input type="checkbox"/> Knife <input type="checkbox"/> Other	1	_____	1	_____	_____
TOTAL UNFAVORABLE FACTOR SCORE				4	4
Parole Policy Guideline Recommends Refuse if Total Score is:			5 or more	6 or more	7 or more

Guideline Policy Recommendation: Parole ☒ Refuse ☐

DEFINITIONS:

- Open Charges** - This refers to new criminal charges being filed while on pre-release or as a result of criminal conduct at a correctional facility. If open charges are to be accepted as a basis for parole refusal, a prima facie case must have been established.
- Substance Abuse** - There is a record of substance abuse which lead to police arrests and/or clinical determinations.
- Habitual Offender** - This refers to a person who has a total of three or more prior convictions for similar types of offenses in his criminal history. For example, they may be convictions for burglary and robbery, or for drug law violations. Also, a person is included who simply appears to have developed a criminal life style based upon four or more convictions which may be dissimilar. A corollary concept refers to a person in syndicated or organized crime.
- Victim Injury** - The official version of the offense must indicate physical injury to the victim of the crime, however slight. In cases of sexually assaultive behavior, psychological injury to the victim is also frequently the case; therefore, in all cases of sexual assault an unfavorable factor score of 1 is to be entered.
- Weapon** - The official version of the offense must place the client in actual or constructive possession of a weapon. The definition of weapon contained in Board regulations states: "Anything readily capable of causing harm to or intimidating another, possessed under circumstances not manifestly appropriate for any lawful use that the object may have". In a crime such as "homicide by vehicle", the vehicle would not be a weapon under the above definition unless: 1) there was a DUI involved, or; 2) there was a clear intent to harm the victim by using the vehicle as a weapon. Under both exceptions, the circumstances were not manifestly appropriate for any lawful use according to our definition.

IV. COUNTERVAILING FACTORS TO EXPLICIT POLICY OF PAROLE DECISION MAKING GUIDELINES**A. Factors Countervailing a Guideline Recommendation to Refuse Parole:**

GENERAL POLICY: Where factors of risk have been reduced by participation in available institutional programming, the quantity and quality of program participation should correspond to the level of risk involved to be a meaningful countervailance to a parole guideline recommendation to refuse. Where available prison programming could reduce the risk of parole failure, it will be prescribed by the Board as a necessary program to assure release.

1. Inventory of Institutional Programming

a. Was there positive response to prescriptive or other prison program plans?

YES

☐

NO

☐

Program 1) _____ Benefit 1) _____

Program 2) _____ Benefit 2) _____

Program 3) _____ Benefit 3) _____

YES

☐

NO

☐

2. Do other factors support a parole action? (For example, recommendations by the Department of Corrections, Board staff, strength of parole plan) _____

B. Factors Countervailing a Guideline Recommendation to Parole:

GENERAL POLICY: The parole guidelines provide a uniform method for assessing parole suitability and risk. In some instances, guideline assessments may indicate medium or low risk; however, other risk factors may contravene and suggest that the likelihood of successful reintegration is low while the threat to the safety of the community is high. The factors listed represent risks outside of the parole guideline for which a parole refusal may be justified.

1. The client displayed psychotic or clearly dangerous behavioral characteristics during the parole interview.

YES

☐

NO

☐

2. The client had a recent psychiatric/psychological report which causes concern.

☒☐

3. There were strong objections from the sentencing judge, the district attorney, or the victim of the crime.

☐☐

4. The client is a habitual offender for assaultive crimes.

☐☐

5. There is an unfavorable recommendation from the Department of Corrections or Board Staff.

☒☐

6. There are other factors supporting a parole refusal:

☒☐

refuses S.O.T.
negative attitude

Instructions: The countervailing factors to a guideline recommendation to refuse parole (A) or to parole (B) are for information to the decision-makers only. Countervailing factors checked in (B) are **not** to be communicated in the Board action as such. The Board Member/Hearing Examiner will supply the appropriate reasons for refusal in his/her decisions in section VII of this guideline document.

V FINAL DECISION MAKING ANALYSIS

Decision Outcome and Guideline Consistency: Use the appropriate guideline recommendation column to check off the interviewer decision.

Instructions: Inmates refused parole may be eligible for the Special Early Release Program. If eligible, indicate a parole action in item 2 below and check the box titled SERP. The initial and date space on this page is to be completed for a "continue" decision only. Final decisions are initiated on page 6 of this document when there is no "continue" action preceeding it. If the case has been continued, for whatever reason, the final decision can be initiated on this page with the appropriate completion of section VI or VII, whichever is appropriate to the decision.

	BOARD DECISION	Guideline Recommendation	
		Parole	Refuse
Initial & Date <u>DP/OK</u> <u>6/19/97</u>	1) Continue: a) to approved plan	<input type="checkbox"/>	<input type="checkbox"/>
	b) pending receipt of information (Specify) <u>CLARIFICATION OF STATUS OF 7/16/92 CONVICTION</u> <u>(1 DSI, CMM, STATE RAMP)</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) pending successful adjustment to C.S.C., review in _____	<input type="checkbox"/>	<input type="checkbox"/>
	d) pending disposition of criminal charges	<input type="checkbox"/>	<input type="checkbox"/>
	2) Parole to Approved Plan <input type="checkbox"/> SERP	<input type="checkbox"/>	<input type="checkbox"/>
	3) Parole to in-patient program; approved home to be available	<input type="checkbox"/>	<input type="checkbox"/>
	4) Parole to Detainers: <input type="checkbox"/> To Board/backtime detainer sentence only; <input type="checkbox"/> to State Sentence; approved home to be available prior to release to the community. <input type="checkbox"/> while confined must participate in _____ <input type="checkbox"/> To other detainer sentence; approved home to be available: Check one: <input type="checkbox"/> County <input type="checkbox"/> Sentence <input type="checkbox"/> Untried Case <input type="checkbox"/> Other State (approved home necessary if untried case) <input type="checkbox"/> Federal <input type="checkbox"/> Sentence <input type="checkbox"/> Untried Case <input type="checkbox"/> Violation of Probation Parole <input type="checkbox"/> Immigration and Naturalization <input type="checkbox"/> When released to the community, special conditions as prescribed imposed. <input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
	5) Refuse Parole	<input checked="" type="checkbox"/> <u>8/1/97</u>	<input type="checkbox"/>

NOTES:

"It was just a regular stickup"
Aged 45; original sentence is 10-20 yr for robbery; ret. as CPV for rape of step daughter (had 6 1/2-13 yr. sent. to serve); Bd. act of 11/23/93 was to reparole to 3/25/97; rec'd Chaz T misconduct (refusing an order) and has been granted new trial on the DSI, etc (he has posted bond); Bd act of 4/22/97 rebated inmate for interview; previous CCC failure (drugs); also previously returned for possessing sword? loaded .22 in high home; since CPV return has completed Stress/Anger; refused S.O.P. (says not guilty, so won't take it); if paroled, live w/wife look for work (P.P. approval 5/15/97). inmate says he "thinks" he has posted bond - via property bond - but he's not "sure" the D.A. (?) effected the bond.
NOTE: 8/1/97. Rec'd attached York Co. warrant - and legal opinion that since DA filed a removal of PCRA, the inmate stands until that matter is resolved.

VI SPECIAL CONDITIONS OF PAROLE**YES NO**

1. Are special conditions of parole necessary? ☐ ☐
2. Did the inmate raise objections to any special condition? ☐ ☐
3. What is the presenting problem to adjustment, or danger to the community? _____

4. Complete if special conditions of parole are necessary:

- ____ Prior to release to an in-patient program, you will be required to sign the appropriate release form for confidential information.
- ____ Removal or termination from the in-patient program for any reason other than successful completion is a violation of your parole.

WHEN PAROLED OR AFTER SUCCESSFUL COMPLETION OF THE IN-PATIENT PROGRAM, YOU MUST COMPLY WITH THE FOLLOWING SPECIAL CONDITIONS OF PAROLE:

- ____ You must abide by all of the supervision requirements in the Special Early Release Program
- ____ Out-patient (drug/alcohol/sex offender/mental health/other: _____) treatment [circle] is a special condition of your parole supervision until the treatment source and/or parole supervision staff determine it is no longer necessary. You will be required to sign the appropriate release form for confidential information.
- ____ You must cooperate with TASC-SCI and follow all treatment recommendations.
- ____ Upon your release on parole, you will be evaluated to determine your need for (drug/alcohol/mental health/other: _____) treatment [circle]. Prior to the evaluation being conducted, you will be required to sign the appropriate release form for confidential information. If the evaluation reveals that treatment is indicated, this special condition of parole will be amended to include other appropriate special conditions imposed by your parole agent.
- ____ You must submit to (urinalysis testing/mandatory urinalysis testing) [circle]
- ____ You must achieve negative results in screening tests randomly applied for the detection of the presence of controlled substances or designer drugs and you must pay for the costs of the tests. (Act 97 - _____)
- ____ You must not consume alcohol under any conditions or for any reason
- ____ You must not enter establishments that sell or dispense alcohol
- ____ You must not contact or associate with persons who sell drugs, or with drug users, outside of a treatment setting.
- ____ You must take psychotropic medication if prescribed by your doctor
- ____ You must support your dependents
- ____ You must not contact or associate with _____ for any reason
- ____ You must maintain (employment/vocational training/educational training/other/ _____) [circle] as approved by parole supervision staff.
- ____ You must engage in an active job search during any period of unemployment, and provide verification as directed by parole supervision staff.
- ____ Other: _____

SPECIAL INSTRUCTIONS TO PAROLE SUPERVISION STAFF

VII REASON FOR PAROLE REFUSAL AND REVIEW DATE**1) Reasons for refusal:**

- 7 a) factors cited in guidelines section(s) III, 4, 7, , , ,
- b) negative interest in parole
- c) your need for: (check the appropriate need)
- ☐ counseling ☐ education
- ☐ treatment ☐ vocational training
- 7 d) failure to participate in and benefit from a treatment program for:
- ☒ sex offenders ☐ mental health problems
- ☐ substance abuse ☐ other: _____
- e) unfavorable recommendation from the:
- ☐ district attorney ☐ warden of county prison
- ☐ sentencing judge ☐ Department of Corrections
- X f) other: MISCONDUCT

2) Review date and conditions for release consideration:

- X a) review in JUNE 1998 for tentative _____ release
- Mo./Yr. Mo./Yr.
- 7 b) must participate in P.P.P. INCLUDING S.O.T.
- 7 c) you must maintain a clear conduct record and MAINTAIN an institutional recommendation for parole.
- d) review in _____, or earlier, if recommended by the Department of Corrections because of demonstrable benefit from participation in an appropriate treatment program for:
- ☐ sex offenders ☐ mental health problems
- ☐ substance abuse ☐ other: _____
- e) serve your unexpired maximum sentence _____/_____/_____
- f) parole to an approved plan upon condition that there are no misconducts, effective _____ and subject to the following special conditions (see page 5)

VIII PANEL MEMBER CONCURRENCE

- 1) Interviewing Panel Member DR Cook Date 8, 1, 97
- Deborah R Cook AUGUST 1, 1997
- 2) Board/Panel Member Deborah R Cook Date 8, 12, 97 Agree ☒ Disagree ☐
- Explain Disagreement: _____
- 3) Board/Panel Member _____ Date _____/_____/_____ Agree ☐ Disagree ☐
- Explain Disagreement: _____

Instruction: Agreement or Disagreement references position relative to the preceding response.

IX SPECIAL CONDITIONS OF PAROLE AND THE PAROLE PLAN

GENERAL POLICY: The parole plan is a contract which provides the public some assurance that their community will be protected while the means to reintegrate the offender are implemented. The plan is judged therefore in context of the client's P.P.A. and unfavorable factors which suggest risk to the community. The higher risk client requires more stringent criteria when the plan is viewed as a countervailing to risk. Discretion for approval of a parole plan is a field staff prerogative unless the Board has specific cause to intervene. Where an approved plan is not available, specific approval criteria commensurate with assessed risk will be set by the Board as special conditions of parole.

A. PAROLE PLAN CHECK LIST

1. Does the client have a detainer sentence?

YES ☒ NO ☐

Type: ☐ State ☐ Board ☐ County ☐ Federal ☒ Untried Case ☐ Immigration and Naturalization
☐ Violation of Probation or Parole ☐ Other

2. The client made some effort to prepare a parole plan.

☒ ☐

3. The client submitted a completed parole plan to the IPR: Date

☐ ☐

4. The IPR sent the parole plan for a field investigation: Date 4, 12, 97

☒ ☐

5. There were field investigation responses received for:

a) Residence

☒ ☐

b) Employment/Education/Training

☐ ☐

6. Was a parole plan accepted as adequate by field staff: Date 5, 19, 97

☒ ☐